

REMARKS

By the present amendment, the title has been amended.

Claims 1-27 are pending in the present application.

As a preliminary, in the Office Action, the title is objected to as non-descriptive.

The title has been amended to be more descriptive. Accordingly, it is submitted that the objection should be withdrawn.

Next, in the Office Action, claims 1, 2, 6-11 and 15-27 are rejected under 35 U.S.C. 103(a) as obvious over US 2002/0102369 to Shimizu et al. (Shimizu).

Reconsideration and withdrawal of the rejection is respectfully requested. Shimizu application is cited under section 102(e)(2) (reference is a US application filed before filing date of application being examined, but published after) because the filing date of the Shimizu application was July 10, 2001, and its publication date is August 1, 2002, whereas the present application was filed on February 8, 2002.

However, Applicants submit the attached Declaration under 37 C.F.R. 1.131 to show that they made the presently claimed invention before July 10, 2001, the effective date of Shimizu.

Specifically, the Declaration establishes that the inventors were in possession of the invention and had reduced the invention to practice before August 7, 2000. A certified copy of prior Japanese application No. 2000-238724 (JP'724) filed on August 7, 2000 by the present inventors, along with a verified English translation thereof, and a marked-up version of the present application showing the changes with respect to JP'724, are enclosed with the Declaration.

In this respect, it is noted that the present inventor Ms. Senri Kondou changed her name from Senri Yoshikawa to Senri Kondou due to marriage after the filing of JP'724 and before the filing of the present application, as indicated in the enclosed additional declaration.

The marked-up version makes clear that the substance of the presently claimed invention had been made prior to the filing of JP'724 on August 7, 2000. Accordingly, Shimizu is removed as a reference against the presently claimed invention.

In view of the above, it is submitted that the rejection should be withdrawn.

In conclusion, the invention as presently claimed is patentable. It is believed that the claims are in allowable condition and a notice to that effect is earnestly requested.

In the event there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Serial Number: 10/072,804

Group Art Unit: 2871

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to our Deposit Account No. 01-2340.

Respectfully submitted,

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Encls.: Declaration under Rule 1.131  
with Certified Copy of JP 2002-337730,  
Verified English Translation  
Marked-up Copy of Present Application  
Additional Declaration by Ms. Senri Kondou  
Petition for One-Month Extension of Time